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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.3020 OF 2006

Shivanand J. Gowda Applicant
versus
M.C.G.M. Respondent

Mr.B.P.Shukla for applicant.
Mr.J.J.Xavier for MCGB.

CORAM : A.S.OKA, J.
DATE : 01st March 2007

PC :

1. Not on board. Taken on board.

2. Affidavit of appellant is taken on record and marked "X" for identification. In view of the affidavit, following order is passed.

3. ORDER :-

a) The appeal is dismissed as withdrawn with no orders as to costs;

b) If an application for regularisation of the suit structure is made by the appellant to the concerned authority of the respondent within a period of eight weeks from today, the same shall

be decided by the concerned authority within a period of eight weeks from the date of receipt of the application. The order made on such application shall be communicated to the appellant within a period of one week from the date of passing of order;

c) If application for regularisation is made within eight from today, for a period of six months from today, the suit structure shall not be demolished and the appellant will also maintain status-quo in all respects in respect of the said structure;

d) If application is not made within the stipulated period of eight weeks, on expiry of eight weeks, the respondent Corporation is free to demolish the suit structure;

e) Application for regularisation, if made within the stipulated period, shall be decided on its own merits;

f) All concerned to act on an authenticated copy of this order duly issued by the Registry of Bombay High Court.

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(A.S.OKA, J.)